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9 **BEFORE THE**
10 **BOARD OF REGISTERED NURSING**
11 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

12 In the Matter of the Accusation Against:

Case No.

2011-955

13 **ANGELIA CORINE TABB**
14 **56885 Dickson Way**
Anza, CA 92539

ACCUSATION

15 **Registered Nurse License No. 670909**

16 Respondent.

17
18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
21 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
22 Consumer Affairs.

23 2. On or about December 19, 2005, the Board of Registered Nursing issued Registered
24 Nurse License Number 670909 to Angelia Corine Tabb (Respondent). The Registered Nurse
25 License was in full force and effect at all times relevant to the charges brought herein and will
26 expire on November 30, 2011, unless renewed.

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JURISDICTION

3. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated

4. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811, subdivision (b) of the Code, the Board may renew an expired license at any time within eight years after the expiration.

STATUTORY PROVISIONS

6. Section 482 of the Code states:

Each board under the provisions of this code shall develop criteria to evaluate the rehabilitation of a person when:

- (a) Considering the denial of a license by the board under Section 480; or
- (b) Considering suspension or revocation of a license under Section 490.

Each board shall take into account all competent evidence of rehabilitation furnished by the applicant or licensee.

7. Section 490 of the Code provides, in pertinent part, that a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.

8. Section 493 of the Code states in pertinent part:

Notwithstanding any other provision of law, in a proceeding conducted by a board within the department pursuant to law to deny an application for a license or to

1 suspend or revoke a license or otherwise take disciplinary action against a person who
2 holds a license, upon the ground that the applicant or the licensee has been convicted
3 of a crime substantially related to the qualifications, functions, and duties of the
4 licensee in question, the record of conviction of the crime shall be conclusive
evidence of the fact that the conviction occurred, but only of that fact, and the board
may inquire into the circumstances surrounding the commission of the crime in order
to fix the degree of discipline or to determine if the conviction is substantially related
to the qualifications, functions, and duties of the licensee in question.

5 As used in this section, 'license' includes 'certificate,' 'permit,' 'authority,' and
6 'registration.'

7 9. Section 2761 of the Code states in pertinent part:

8 The board may take disciplinary action against a certified or licensed nurse or
9 deny an application for a certificate or license for any of the following:

10 (a) Unprofessional conduct, which includes, but is not limited to, the
following:

11 ...

12 (f) Conviction of a felony or of any offense substantially related to the
13 qualifications, functions, and duties of a registered nurse, in which event the record of
the conviction shall be conclusive evidence thereof.

14 ...

15 10. Section 2762 of the Code states:

16 In addition to other acts constituting unprofessional conduct within the
17 meaning of this chapter [the Nursing Practice Act], it is unprofessional
18 conduct for a person licensed under this chapter to do any of the following:

19

20 (b) Use any controlled substance as defined in Division 10
(commencing with Section 11000) of the Health and Safety Code, or any
21 dangerous drug or dangerous device as defined in Section 4022, or alcoholic
beverages, to an extent or in a manner dangerous or injurious to himself or
22 herself, any other person, or the public or to the extent that such use impairs
his or her ability to conduct with safety to the public the practice authorized
23 by his or her license.

24 (c) Be convicted of a criminal offense involving the prescription,
25 consumption, or self-administration of any of the substances described in
subdivisions (a) and (b) of this section, or the possession of, or falsification
26 of a record pertaining to, the substances described in subdivision (a) of this
section, in which event the record of the conviction is conclusive evidence
27 thereof.

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A conviction or act shall be considered to be substantially related to the qualifications, functions or duties of a registered nurse if to a substantial degree it evidences the present or potential unfitness of a registered nurse to practice in a manner consistent with the public health, safety, or welfare. Such convictions or acts shall include but not be limited to the following:

12. California Code of Regulations, title 16, section 1445 states in pertinent part:

- (1) Nature and severity of the act(s) or offense(s).
- (2) Total criminal record.
- (3) The time that has elapsed since commission of the act(s) or offense(s).
- (4) Whether the licensee has complied with any terms of parole, probation, or any other sanctions lawfully imposed against the licensee.
- (5) If applicable, evidence of expungement proceedings pursuant to Section 4 of the Penal Code.
- (6) Evidence, if any, of rehabilitation submitted by the licensee.

25 13. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
26 administrative law judge to direct a licensee found to have committed a violation or violations of
27 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
28 enforcement of the case.

1 **FIRST CAUSE FOR DISCIPLINE**

2 **(January 10, 2011 Conviction for Disturbing the Peace on July 14, 2010)**

3 14. Respondent is subject to disciplinary action under sections 490 and 2761 subsection
4 (f), of the Code in that Respondent was convicted of a crime substantially related to the
5 qualifications, functions, and duties of a registered nurse. The circumstances are as follows:

6 a. On or about January 10, 2011, on in a case entitled *The People of the State of*
7 *California v. Angelia Corine Tabb*, in Riverside County Superior Court case number
8 SWM10005245. Respondent was convicted of violating Penal Code (P.C.) section 415,
9 disturbing the peace. Pursuant to a plea agreement charges of violating P.C. section 273.5(a)
10 inflicting corporal injury on spouse/cohabitant were dismissed.

11 b. As a result of her conviction, Respondent was ordered to pay \$170 in fines.

12 c. The facts that lead to the conviction were that on or about July 14, 2010
13 Respondent attacked her domestic partner with a baseball bat. At approximately 11:00 p.m. on
14 July 14, 2010, the Riverside County Sheriffs Office dispatched a deputy in response to a call from
15 Respondent's partner. Respondent's partner reported that Respondent hit her with a baseball bat.
16 When pressed for details on the incident, Respondent's partner stated that she had confronted
17 Respondent about her drinking. Respondent proceeded to call Respondent's partner a "bitch."
18 Respondent's partner barricaded herself in the bathroom to deescalate the situation. Respondent
19 began beating on the bathroom door with a baseball bat. When Respondent's partner emerged
20 from the bathroom, Respondent swung the baseball bat striking Respondent's partner in the
21 arm/elbow area. When questioned by the investigating deputy, Respondent admitted that
22 Respondent's partner had some bruises from the encounter.

23 **SECOND CAUSE FOR DISCIPLINE**

24 **(March 4, 2008 Conviction for Disturbing the Peace on February 01, 2008)**

25 15. Respondent is subject to disciplinary action under sections 490 and 2761 subsection
26 (f), of the Code in that Respondent was convicted of a crime substantially related to the
27 qualifications, functions, and duties of a registered nurse. The circumstances are as follows:

28 a. On or about March 04, 2008, in a case entitled *The People of the State of*

1 *California v. Angelia Corine Tabb*, in Riverside County Superior Court case number
2 INM185025. Respondent was convicted of violating Penal Code (P.C.) section 415, disturbing
3 the peace. Pursuant to a plea agreement charges of violating P.C. section 647 subsection (f),
4 public intoxication was dismissed.

5 b. As a result of her conviction Respondent was ordered to pay fines in the amount
6 of \$100.

7 c. The facts that lead to Respondent's conviction are that on or about February 1,
8 2008, Respondent became so intoxicated that she could not care for herself. Respondent was
9 asleep in a public restaurant and when security attempted to wake her she hit a security guard in
10 the face. The Palm Springs Police Department was summoned. When asked by the police to
11 leave the restaurant Respondent stated, "f___ you, take me to jail and go f___ yourself in the
12 ass." Officers determined that Respondent was in such a state of intoxication she could not care
13 for herself and she was arrested for public intoxication. Respondent actively resisted throughout
14 the entire arrest process. At one point Respondent attempted to kick out the window of the police
15 vehicle she was in and had to be placed in leg restraints. Once Respondent reached the jail
16 booking facility she continued to be verbally aggressive and physically resistive. When finally
17 placed in a jail cell, Respondent continually kicked and punched the jail cell door.

18 **THIRD CAUSE FOR DISCIPLINE**

19 **(Unprofessional Conduct - Conviction of Alcohol-Related Criminal Offenses)**

20 16. Respondent has subjected her registered nurse license to disciplinary action under
21 section 2762, subdivision (c) of the Code, for unprofessional conduct, in that on or about March
22 4, 2008, as described in paragraph 15 above, Respondent was convicted of a criminal offense
23 involving the consumption and/or self-administration of alcohol.

24 **PRAYER**

25 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
26 and that following the hearing, the Board of Registered Nursing issue a decision:

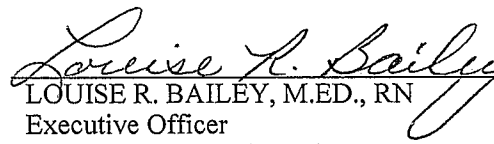
27 1. Revoking or suspending Registered Nurse License Number 670909, issued to Angelia
28 Corine Tabb;

1 2. Ordering Angelia Corine Tabb to pay the Board of Registered Nursing the reasonable
2 costs of the investigation and enforcement of this case, pursuant to Business and Professions
3 Code section 125.3;

4 3. Taking such other and further action as deemed necessary and proper.
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8 DATED: _____

6/1/11


LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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